IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.1725 of 2012

Raghunath Raula .... **Petitioner**

-versus-

State of Odisha & Others .... **Opposite Parties**

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
25.02.2022

Order No

2. **1.** This matter is taken up through Hybrid Mode.

2. Heard the learned counsel for the Petitioner and learned counsel for the State.

3. The Petitioner while continuing in a Class-IV post, he was recommended by the D.P.C for his promotion to the post of MPHW (Male) and as per the officer order dated 29.1.2011 under Annexure-2, the Petitioner was promoted to the said post.

4. It is the case of the Petitioner that while continuing in such promotional post, vide office order dated 26.05.2012, the Petitioner was reverted to a Class-IV post. It is alleged that without issuing any show cause notice and without giving an opportunity of hearing, the order dated 26.05.2012 was passed by the Chief District Medical Officer, Nabarangpur-opposite party No.3.

5. Though the counter affidavit has been filed but the allegation regarding non-compliance of the principle of natural justice has not been negatived by the opposite parties.

6. Since basing on Annexure-1 and the recommendation of the D.P.C, the Petitioner was given promotion vide under Annexure-2, the Chief District Medical Officer, Nabarangpur- opposite party No.3 prior to issuing the impugned order dated 26.05.2012 should have issued a show cause notice to the Petitioner. Since no show cause was issued prior to passing of the impugned order and no opportunity of hearing was given to him, the order dated 26.05.2012 as against the Petitioner is hereby quashed.

7. The opposite party No.3, if so likes may issue a show cause notice to the Petitioner and after giving him an opportunity of hearing, a fresh decision be taken on the same.

8. The entire exercise shall be completed by the opposite party No.3 within a period of two months from the date of communication of the order.

9. Learned counsel for the State is directed to provide a copy of the order to the opposite party No.3 for taking further action in the matter.

10. With the aforesaid observation and direction, the Writ Petition (OAC) is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat